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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,565	12/14/1999	STEVEN ERICSSON ZENITH	MS-148615.1	3972

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EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/461,565

Applicant(s)

STEVEN ERICSSON ZENITH

Examiner

Mylinh T Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 07/20/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 8-10, 20, 21, 26-28 and 30-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-6, 8-10, 20-21, 26-28 and 30-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Applicant's Amendment filed 07/20/04 has been entered and carefully considered. Claims 1, 20 and 26 have been amended. Claims 4, 7, 11-19, 22-25 and 29 have been canceled. New claims 34-39 have been added. However, limitations of amended claims have not been found to be patentable over prior art of record, therefore, claims 1-3, 5-6, 8-10, 20-21, 26-28 and 30-45 are rejected under the same ground of rejection as set forth in the Office Action mailed 12/22/03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 8-10, 20-21, 26-27 and 30-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison [US. 5,694,163]. As to claims 1, 20, 26 and 30, Harrison discloses receiving a video signal at the device (see abstract and column 2, lines 53-67). Harrison cites "A television program is combined with the associated data at a broadcast transmitter. The

encoded television signal is broadcast..." read as the video signal; receiving at the device one or more chat communications corresponding to the video signal (column 2, lines 55-65). Harrison also cites "...their personal computers over a telephone network with an on-line service that provides a chat capability...A chat formatter at this server formats and transmits the chat over an associated data channel..." read as the user interface device chat communications; displaying the video signal and the one or more chat communications on the display in a first mode (figure 2, (214)) such that the video signal is displayed in a first frame (figure 2, (216)) that has a corresponding size and position on the display and such that the one chat communication are displayed in a second frame that has a corresponding size and position on the display (figure 2, (226)) and see column 4, lines 22-49); Although Harrison discloses two windows of Video and Chat room, they do not explicitly mention a link such that when the link is selected, the second frame displays the one or more chat communications with at least one of a different frame size and a different frame position than was used by the second frame in the first display mode, it is well known in the state of the art that the maximized and minimized buttons at the top left corner of the Chat window (second frame) could be the link. **The Examiner takes OFFICAL NOTICE.** It would have been obvious to one of ordinary skill in the art, having the teachings of Harrison before him, to modify the maximized and minimized buttons at the top left corner of the Chat room window of

Harrison to be the link of the invention claim, as made known in the state of the art.

Therefore, the Harrison's system shows displaying with the video signal and the one or more chat communications a link to a second display mode that is different than the first display mode (when the user selects the maximize button (the link) of the Chat room window, the size and position of the Chat room window is bigger than before selecting the button), such that when the link is selected, the second frame displays the one or more chat communications with at least one of a different frame size and a different frame position than was used by the second frame in the first display mode, and while still displaying the video signal in the first frame (Even the Chat room window occupy a bigger space, the first frame Video window still displays in the display 214, figure 2).

As to claims 2 and 27, Harrison also discloses the video signal is a television show (column 2, lines 53-67).

As to claim 3, Harrison teaches the chat communications is text (see abstract and column 2, lines 54-68).

As to claim 5, Harrison shows the chat overlies a portion of the video signal (user can make the Chat room window to be bigger to overly a portion of the video window (figure 2). As to claim 8, Harrison also demonstrates displaying an area on the display for sending information relating to the video signal or one or more chat communications (column 2, lines 52-68).

As to claim 9, Harrison discloses displaying an area the display for scrolling through the one more chat Communications (column 2, lines 31-51).

As to claims 10, 31 and 33, Harrison shows selecting the link (these top left buttons of the Chat room window), wherein the link identifies a television markup language and document that represents the second display mode and rendering the document to display the video signal and one or more chat communications in accordance with the second display mode (column 1, line 58 through column 2, line 23 and column 10, lines 30-65).

As to claim 21, Harrison still shows the means for switching to the second display mode includes actuating a hyperlink displayed in the first display mode (when switching from the first mode to the second mode, the link is still displayed because the top left button is on the Chat room window, figure 2).

As to claim 32, Harrison teaches instruction for displaying an area on the display for scrolling through the chat (column2, lines 38-48).

As to claims 34-35 and 43-44, Harrison teaches selection of the link causes the first frame to display the video signal with at least one of a different first frame size and a different first frame position (when user selects the link (maximized and minimized buttons), the video window changes its size and position, figure 2).

As to claims 36-37, Harrison shows the link comprising a selectable object displayed within the second frame (the selectable object is the left buttons of Chat room window, figure 2).

As to claims 38-39, Harrison also shows displaying with the video signal and the one or more chat communications at least one additional link corresponding to at least one additional display mode that is different than the first and second display modes and that when selected causes at least one of the size and position of at least one of the first and second frames to change (column 2, lines 62-64, Chat room window may have the minimized, intermediated and maximized buttons (links), each of the button when selected displays a display mode. Therefore, there are a plurality of display modes because the windows have more than one button.

As to claims 40-41, Harrison also shows selection of the link also causes the first frame to display the video signal with at least one of the first frame size and the first frame position (when user selects the link (maximized and minimized buttons), the video window changes its size and position, figure 2).

As to claims 42 and 45, Harrison provides the means for switching to a second display mode includes means for switching at least one of the size and position of the second frame, while still displaying the video signal in the first frame with at least one of the first frame size and the first frame position (the switching means are the left buttons of Chat room window, when user selects the button, causing to change size and position of the Chat room window while the Video window still displays, see figure 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison [US. 5,694,163] in view of Schein et al. [US. 6,323,911].

As to claims 6 and 28, Harrison does not teach or suggest changing the video signal receive a different channel, and in response to the different channel sending a request to a server for different chat communication corresponding to the different channel. Shein teaches the feature at column 10, lines 22-65. It would have been obvious to one of ordinary skill in the art, having the teachings of Harrison and Shein et al. before them at the time the invention was made to modify the video signal and the chat communication on the display taught by Harrison to include the request for different chat communication corresponding to the different channel of Shein et al., with the motivation being to allow user to be able to watch various display channel and chat various corresponding chat communication as taught by Shein.

Response to Arguments

Applicant's arguments with respect to claims 1, 20 and 26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM. If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186,

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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

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BA HUYNH
PRIMARY EXAMINER